

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 710

[OPPTS-62140; FRL-4869-7]

Partial Updating of TSCA Inventory Data Base; Production and Site Reports; Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendment.

SUMMARY: This document announces the 1994 reporting period for the Inventory Update Rule, and amends the rule to update the reporting address.

DATES: This document is effective [insert date of publication in the Federal Register]. The 1994 reporting period is from August 25, 1994 to December 23, 1994.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-545, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD: (202) 554-0551.

SUPPLEMENTARY INFORMATION:

I. Background

In the Federal Register of June 12, 1986 (51 FR 21438), EPA promulgated a rule (40 CFR part 710, subpart B), referred to as the Inventory Update Rule (IUR), under the authority of section 8(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2607(a), requiring manufacturers and importers of certain chemical substances included on the TSCA Chemical Substance Inventory to report current data on the production volume, plant site, and site-limited status of the substances. After the initial reporting during 1986, recurring reporting is required every 4 years. A second reporting cycle took place in 1990. The third reporting period will be in 1994.

II. 1994 Reporting Period

The initial reporting period was August 25, 1986 to December 23, 1986. Reporting periods recur every 4 years from August 25 to December 23, so that the next reporting period is August 25, 1994 to December 23, 1994. Persons subject to the rule must submit the required information during this period.

III. Update of the Information

A. The TSCA Chemical Substance Inventory

As an aid to submitters reporting during 1986, EPA published a 1985 edition of the TSCA Chemical Substance Inventory. This publication, available from the Government Printing Office (GPO), superseded the 1979 edition and supplements prior to 1985. To aid reporters during 1990, EPA published a 1990 supplement to the 1985 edition. Copies of both the "TSCA Chemical Substance Inventory: 1985 Edition" and the "TSCA Chemical Substance Inventory: 1990 Supplement" may still be obtained by writing or calling: Superintendent of Documents, Government Printing Office, Washington, DC 20402, (202) 783-3238. The 1990 Supplement costs \$15.00 in the U.S., \$18.75 outside the U.S., and should be ordered by its Document Control Code, S/N 055-000-00361-1. The 1985 Edition costs \$161.00 (\$201.00 outside the U.S.), and its Document Control Code is S/N 055-000-00254-1.

In support of the 1994 reporting, EPA is publishing a revised TSCA Chemical Substances Inventory in a set of floppy diskettes for use in a personal computer instead of the hard copy form. These diskettes will contain information for all nonconfidential chemical substances added to the TSCA Inventory data base before May 1, 1994. The types of information contained in the diskettes will be similar to that found in the computer tape form of the TSCA Inventory that EPA has been disseminating to the public biannually through the National Technical Information Service (NTIS). Specifically, each of the chemical substances included in the diskettes is identified by a Chemical Abstracts (CA) Index or Preferred Name, the corresponding Chemical Abstracts Service (CAS) Registry Number, molecular formula, and if applicable, the chemical definition and appropriate EPA special flags as found in the printed Inventory. The substances are sequenced in ascending order of the corresponding CAS Registry Numbers. The diskettes will not include chemical synonyms that are copyrighted by the Chemical Abstracts Service. Furthermore, generic names or EPA Accession Numbers for substances with confidential chemical identities will not be included.

The diskette version includes over 62,000 records and requires 12 megabytes of disk space for installation. Installation software that will automatically uncompress the file is included with the diskettes. However, users will have to furnish their own data base management software to perform searches. Both tapes and diskettes will be available for sale from: National Technical

Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4650 or (800) 553-NTIS. The diskettes cost \$195.00 in the U.S., Canada, and Mexico, and \$390.00 for all other addresses. The NTIS Order Number for the diskettes is PB94-501731GEI. The tapes cost \$360.00 in the U.S., Canada, and Mexico, and \$720.00 for all other addresses. The NTIS Order Number for the tapes is PB94-501749GEI.

B. Reporting Address and Instructions

40 CFR 710.39 is being amended to reflect new addresses and telephone numbers, as follows:

Reporting Packages Address: TSCA Hotline (7408), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: (202) 554-1404, ATTN: Inventory Update Rule.

Mailing Address for Completed Forms: Document Control Officer (7407), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, ATTN: Inventory Update Rule.

EPA will automatically mail out a reporting package to those facilities that reported in 1990. This package will include the manual entitled "Instructions for Reporting for the Partial Updating of the TSCA Chemical Inventory Data Base," a new Form U, and a copy of the Federal Register Notice. If you did not report in 1990, but need to report in 1994, the reporting package will be available from the TSCA Hotline at the address referenced above. Additional reporting forms will also be available from the TSCA Hotline.

IV. Reporting Form

Section 710.39 requires submitters to report using EPA's Form U. In 1990, EPA made changes in the form to assist submitters in completing it and facilitate processing of the form; none of the changes resulted in substantive revisions to the reporting requirements of the rule. New printed forms will be made available for reporting during 1994. Neither the 1986 nor the 1990 form is acceptable for 1994 reporting.

A. Reporting Errors

Several types of reporting errors occurred frequently enough in the past to merit discussion. One of the most frequent type of errors concerns the submitter reported Dun & Bradstreet number. Numerous submitters reported numbers with extra or missing digits, numbers which belonged to their parent companies (rather than the Dun & Bradstreet number assigned to the plant site for which the submitter was reporting), or no number at all. This problem required EPA to send a large number of requests to the submitters for correction of submitter error. To avoid this error, all submitters should verify the accuracy of the Dun & Bradstreet number they are reporting. Those plant sites without Dun & Bradstreet numbers may obtain them, free of charge, by calling their local Dun & Bradstreet office.

Reporting of substances that are not required to be reported is another common error. Polymers, inorganics, microorganisms, and naturally occurring chemical substances are generally excluded from the reporting requirements. This exclusion does not however apply if the chemical substance is the subject of a rule proposed or promulgated under section 4, 5(a)(2), 5(b)(4), or 6 of TSCA or is the subject of an order issued under section 5(e) or 5(f) of TSCA or is the subject of relief that has been granted under a civil action under section 5 or 7 of TSCA. See section 710.26. Hydrates of chemicals which are on the TSCA Inventory in the anhydrous form are not reportable; however, the corresponding anhydrous form is subject to the reporting requirements. Furthermore, substances that have been delisted from the TSCA Inventory should not be reported.

Another significant source of errors is the manner in which chemical identifying numbers and names are entered in the reporting forms. Several types of identifying numbers (e.g., Chemical Abstracts Service Registry Numbers, Premanufacture Notification Numbers, and Accession Numbers) are allowed for reporting. Confusion on the appropriate way to identify a chemical substance and report an identifier has created many problems in the past. Note that the correct format for any CAS Registry Number being reported is six digits, hyphen, two digits, hyphen, one digit, e.g., XXXXXX-XX-X. Leading zeros on the left may be omitted. If the chemical identifier is a CAS Registry Number (ID Code = C), then this format must be used.

If the chemical substance name extends beyond the space provided on the report line, do not continue the name on the following report line. Instead, truncate the name at the end of the line with a series of three dots (ellipsis) or continue the name on a separate sheet of paper. This

avoids the insertion of a new reporting line without a production volume.

When reporting the production volume, report the amount to the nearest whole number. Do not include decimal points. Scientific notation is also unacceptable.

A large number of errors are made in plant site and technical contact information. Please make sure that the correct information goes in the correct box. One common mistake is the lack of a signature in the signature box. The Form U will be returned if the signature is missing. In addition, the signature must match the name of the person in the Name/Title Field.

Lastly, persons who export chemicals found on the TSCA Chemical Substance Inventory are reminded that they may have reporting obligations under this rule. Section 12(a) of TSCA provides that chemicals manufactured for export are subject to the requirements of TSCA section 8. Persons who manufacture a chemical substance on the TSCA Inventory solely for export, are considered a manufacturer and are subject to all IUR requirements of the rule.

B. Confidentiality Claims

Since 1990, EPA has allowed submitters to report both confidential and nonconfidential substances on the same form, and to indicate which substances on a form have confidential identities. However, note that a submitter may only claim the identity of a chemical substance as confidential if that substance is already included on the TSCA Inventory with a confidential chemical identity. Furthermore, no confidentiality claim for chemical identity will be accepted unless accompanied by a separate written substantiation for the individual chemical substance claimed as confidential, with detailed answers to the 11 questions prescribed in section 710.38 of the Inventory Update Rule. As provided in section 710.38(d), failure to provide the necessary substantiation at the time of filing may result in the chemical identity reported being made available to the public without further notice to the submitter.

V. Electronic Reporting

Section 710.32(b) provides that magnetic media submitted in response to the IUR must meet the EPA specifications, as described in the "Instructions for Reporting for the Partial Updating of the TSCA Chemical Inventory Data Base" available from the TSCA Hotline. In the 1986 rule, submitters were to report by paper or computer tape. Because of the ready availability of microcomputers, in 1990 EPA modified this section of the Instructions to allow reporting using floppy diskettes. The major change in 1994 is that magnetic tape submissions will not be

accepted. For the 1994 reporting period, ASCII diskette submissions from IBM and compatible personal computers are permissible. EPA's specifications for the format and detailed instructions for electronic reporting can be found in ``Instructions for Reporting for the 1994 Partial Updating of the TSCA Chemical Inventory Data Base." Because of TSCA security considerations, reporting via telecommunication lines is not accepted.

The 1986 rule required that chemical substances whose identities are confidential be reported by hard copy means only. This was amended in 1990 to allow reporting of such substances via magnetic media. In the 1994 reporting period, chemical substances whose identities are confidential may again be reported via magnetic media.

VI. Paperwork Reduction Act

The information collection requirements in this rule have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. and have been assigned control number OMB No. 2070-0070.

This collection of information has an estimated reporting/recordkeeping burden averaging 1.2 hours per chemical report per respondent. These estimates include time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection, including suggestions for reducing this burden to Chief, Information Policy Branch (Mail Code 2136); U.S. Environmental Protection Agency; 401 M St., SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked ``Attention: Desk Officer for EPA."

List of Subjects in 40 CFR Part 710

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: _____

Director, Office of Pollution Prevention and Toxics.

Therefore, 40 CFR part 710 is amended as follows:

PART 710_[AMENDED]

1. The authority citation for part 710 continues to read as follows:

Authority: 15 U.S.C. 2607(a).

2. Section 710.39 is revised to read as follows:

710.39 Instructions for submitting information.

(a) All persons submitting written information in response to the requirements of this subpart must use original copies of Form U available from EPA at the address set forth in paragraph (b) of this section.

(b) Complete instructions for completing the reporting form and preparing a magnetic media report are given in the EPA publication entitled ``Instructions for Reporting for 1994 Partial Updating of the TSCA Chemical Inventory Data Base." Reporting forms and instruction booklets may be obtained from the following address: TSCA Hotline (7408), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, ATTN: Inventory Update Rule, (202) 554-1404.

(c) Completed reporting forms and magnetic media must be submitted to: Document Control Officer (7407), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, ATTN: Inventory Update Rule.